



PATENT APPLN S.N. 09/773,454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|-----------------|--------------------|
| Applicant: | William W. Cimino | Examiner: | Lindsey, Rodney M. |
| Serial No.: | 09/773,454 | Group Art Unit: | 3765 |
| Filed: | January 31, 2001 | Docket No.: | 40206.0009USU1 |
| Title: | ALUMINUM ULTRASONIC SURGICAL APPLICATOR AND METHOD OF MAKING SUCH AN APPLICATOR AGENTS | | |

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150-4

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL975279711US
Date of Deposit: January 9, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Betty J. Terry

Betty J. Terry

**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

In accordance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-15 and 24-31 of the above-identified application, as set forth in the Office Action mailed July 9, 2003.

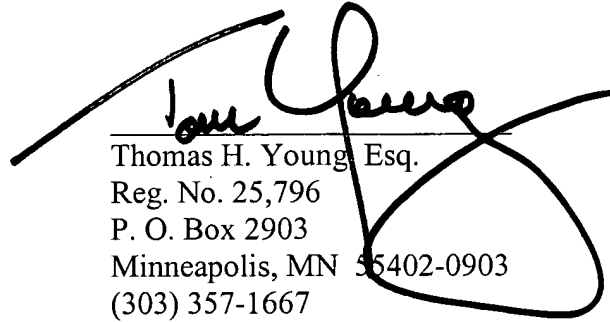
Our check in the amount of \$165.00 is enclosed to cover the required fee for filing this Notice of Appeal as set forth under 37 C.F.R. § 1.17(b).

Also enclosed is a Petition for three-month extension of time to respond to the final rejection, thereby extending said period of response from October 9, 2003 to January 9, 2004. Our check in the amount of \$475.00 is enclosed to cover the required extension fee for small entity.

Please charge any additional fees or credit any overpayment to Merchant & Gould P.C.,
Deposit Account No. 13-2725 with respect to attorney docket no. 40206.0009USU1.

Respectfully submitted this 9th day of January 2004,

MERCHANT & GOULD P.C.



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PATENT TRADEMARK OFFICE